



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Ely Field Office
HC33 Box 33500 (702 N. Industrial Way)
Ely, Nevada 89301-9408
http://www.blm.gov/nv/st/en/fo/ely_field_office.html



ELY DISTRICT CATEGORICAL EXCLUSION REVIEW AND APPROVAL

Team Leader Kalem Lenard Date: 11/13/2007

Name of Proposed Action

Wildbunch Motorcycle Race Special Recreation Permit

CX Number NV-040-08-041 Project or Serial Number

CATEGORICAL EXCLUSION REFERENCE

Cite the Departmental Manual and date, and reference the appropriate categorical exclusion.

Federal Register / Vol. 72, No. 156/ Tuesday, August 14, 2007

Cite the Categorical Exclusion (exactly as it appears in the Departmental Manual)

H. Recreation Management

(1) Issuance of Special Recreation Permits for day use or overnight use up to 14 consecutive nights; that impacts no more than 3 staging area acres; and/or for recreational travel along roads, trails, or in areas authorized in a land use plan. This CX cannot be used for commercial boating permits along Wild and Scenic Rivers. This CX cannot be used for the establishment or issuance of Special Recreation Permits for "Special Area" management (43 CFR 2932.5).

DESCRIPTION OF PROPOSED ACTION AND STANDARD OPERATING PROCEDURES

The Wildbunch M/C group is proposing to hold a race in the Oak Springs Summit Area May 3rd. They would be using all previously approved courses in the Burnt Springs Range and Delamar Mountains. The proposed staging area/pit location is a gravel pit off of Hwy 93 in Delamar Valley. The race course would be 2 or 3 laps in length. There would be approximately 250 event participants and 350 spectators.

Special Recreation Permit (SRP) Stipulations 1-16 on the application (form 2930-1), and Special Stipulations 17-39 Attachment A are used as SOP for use of public lands. Use of existing roads and trails and stipulations are standard operating procedures for events of this nature. A weed risk assessment was completed for the project indicating that the risk rating was moderate and additional mitigating factors are required including before and after photo monitoring of high risk areas, remind the event promoter of the stipulation of requiring racers to wash their race vehicle prior to the event, and notify the proper weed management agency of any noxious weeds observed following the event.

The specialists listed in table 1 (below) were involved in reviewing the proposed action for impacts and the screening questions (Table 2) for Categorical Exclusions.

Table 1: Specialist involved in reviewing the proposed action for exceptions to National Environmental Policy Act Categorical Exclusions

NAME	RESOURCE ASSIGNED
Kari Harrison	Soils, Water Quality, Floodplains, and Riparian/Wetlands
Bonnie Waggoner	Invasive, Non-Native Species
Troy Grooms	Range
Nicholas Pay	Arch/Historic/Paleontological
Alicia Styles	Wildlife, Migratory Birds, Special Status Species
Kalem Lenard	Recreation, VRM
Elvis Wall	Native American Religious
Kyle Teel	Fire/Fuels Management
Ben Noyes	Wild Horse and Burros
Melanie Peterson	Wastes, Hazardous and Solid
Dave Jacobsen	Wilderness Values
Joe David	Environmental Coordination

Table 2
SCREENING FOR EXCEPTIONS TO CATEGORICAL EXCLUSIONS

The following exceptions apply to actions being considered as categorically excluded. Environmental documents must be prepared if any of these exceptions apply. Place an "X" in appropriate box. Would the proposed action:	Yes	No
1. have significant adverse effects on public health or safety?		x
2. have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?		x
3. have highly controversial environmental effects?		x
4. have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?		x
5. establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?		x
6. be directly related to other actions with individually insignificant but cumulatively significant environmental effects?		x
7. have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?		x
8. have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?		x
9. require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?		x
10. threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?		x

FINDINGS

Based on review of the proposal and the 10 exceptions listed above, this action qualifies as a categorical exclusion and environmental analysis is not required. The proposed action is in conformance with current BLM Land Use Plans.

Approving Official: _____ Date: _____

Jeff Weeks

Assistant Field Manager, Non-Renewable Resources

Attachment A - Special Stipulations*

Stipulations #1-16 are located on the back side of the SRP Permit (form 2930-1).

17. Painting or marking of rocks or vegetation will not be allowed; the establishment of permanent markers for monitoring or course relocation purposes may be authorized by the AO. **The approved race course must be clearly defined and plainly marked prior to the event.** The permittee shall mark the course, with flagging colors other than green or blue, at sufficient intervals so that race participants can clearly follow the approved route.

18. The permittee shall be responsible for the supervision of all participants, spectators, and other persons associated with the event, and will be responsible for ensuring public safety in the event area.

19. The permittee will be responsible for keeping race contestants on the designated race course approved by the AO. The permittee shall take appropriate steps to ensure that the course width doesn't exceed the established width of roads, trails or washes, or 10 feet, whichever is narrower.

20. The permittee must contact and receive concurrence or license, where required, from all other federal, state, county, and local governmental agencies having jurisdiction, concern, or interest in the race or over any portion thereof.

21. This permit does not give permission to cross over or use any private lands during the event. The permittee will be fully responsible for all trespass on, or damages to, private land which results from the conduct of the event.

22. The use of BLM administered roads and unimproved trails on public land are permitted. The permittee must ensure that sufficient numbers of personnel are present at checkpoints to prevent racers from colliding with other vehicles that may be in the area. Checkpoint personnel must be in position prior to the first racer passing their assigned locations, and the race will not start or will be halted until checkpoint personnel are ready to perform their duties.

23. The permittee shall do everything possible to ensure that participants and spectators do not willfully or maliciously harass livestock or wildlife. No cutting of fences or damage to other range developments is authorized for purposes of this race. All fences, gates and other range developments damaged during the course of this event will be repaired to a condition equal to the condition of the development prior to the event.

24. Permittee shall not cut any timber on the public lands without prior written permission from the authorized office. Hazardous tree limbs or small trees may be cut and removed to provide for the safe passage of race vehicles.

25. The permittee is responsible for ensuring that adequate toilet facilities are provided for use by race personnel, participants, pit crews and spectators at all pit locations.

26. Permittee shall provide for sufficient first aid services to ensure that after an accident a victim can be located, treated, and promptly evacuated. The permittee will contact medical personnel in the area to advise them to prepare for potential emergency services. A sufficient number of personnel with portable two way radios will be located along the course to assist in promptly responding to emergencies.

27. The permittee will do everything reasonable, both independently and/or upon the request of the AO, to prevent and suppress fires caused by the race or related activities on public lands utilized during this event. Compensation may be required to be paid by the permittee for expenses incurred by Federal, State, or private entities expended in fire suppression and rehabilitation expenses that may result from this event. Approved spark arresters (certified manufacturer equipment or .023 inch or smaller mesh metallic screen) will be required on all 4-stroke motorcycles.

28. The permittee will inspect all race vehicles to ensure they have been cleaned prior to the race. This is to prevent the introduction of any new weed populations. Any race vehicle not cleaned before the race will be subject to penalty and/or disqualification. The permittee will also make an honest effort to encourage those at the race to wash all vehicles at the nearest washing facility.

29. All check point personnel shall be required to have in their possession, as a minimum, one shovel and two gallons of water for fire suppression in their assigned area. The permittee will ensure that a sufficient number of multi-fuel fire extinguishers are available at pit areas in order to control any gasoline fires that may occur.

30. Stakes, flagging materials, equipment, temporary facilities, and all other event-related materials must be removed by the permittee from the course within 15 calendar days after the event. Trash and litter left on public lands by spectators and checkpoint/pit personnel associated with this OHV event will be cleaned up immediately following the race. All trash, litter and refuse must be disposed of at an approved dump facility.

31. There will be no cross-country vehicular use allowed by participants or spectators in the area of the race course during the race weekend. Any pre-race vehicle use must be confined to existing roads or approved pit locations. The race sponsor may use vehicles during marking of the course, and for conducting a pre-race sweep patrol to move wildlife out of the area and insure that markers have not been removed.

32. The permittee will establish a sufficient number of race course checkpoints to prevent short-coursing (travel off of the approved route) by race participants.

33. **Any unnecessary and undue damage resulting from the event including, but not limited to, eroded areas where vehicle barricades, road grading, water bars or recontouring are required, or denuded areas needing revegetation, will be rehabilitated by the permittee in a manner specified by the AO.** The use area will be inspected by the AO or designated representative (in conjunction with the permittee, if possible) in order to determine needed reclamation or reseeding. The permittee will ensure completion of this work within a mutually agreed to time frame, or in accordance with a time frame established by the AO. If this work is not completed in a timely manner, it may be performed by the BLM or contract personnel with the express and implied agreement by the permittee to pay for these rehabilitation costs.

34. The permittee may be required to pay costs of restoration and repair of cultural resources that are damaged by race participants outside of the approved race course or pit areas.

35. Any concession activity located on public lands that is associated with this race event is authorized under this race permit as long as concession revenues are included in the gross receipts reported on the post use form. No concessions selling alcohol will be allowed or authorized.

36. The permittee must complete the post-race portion of the permit form and return it to the Ely BLM office **no later than 30 calendar days after completion of the event.** The permittee will be responsible for providing documentation as to the total number of race participants and the gross receipts from participant entry fees, concessions or any other source of permit revenue.

37. The permittee agrees to pay, in response to a billing provided by the AO, a sum which is the greater of \$90.00 minimum fee, \$4.00 per race participant or 3 percent of the gross receipts derived on public lands as a result of this event.

38. Permittee shall conduct a mandatory drivers meeting in the form of a mass meeting to inform participants of the permit stipulations.

39. Permittee is required to contact counties, county road departments, county and state law enforcement agencies, livestock permittees, right-of-way holders, patented land owners, private land owners, and utility companies prior to the event.

**Non-compliance with any above permit stipulation will be grounds for denial of future permits, and/or race cancellation.*

Performance evaluation, violations, and penalties:

Performance will be based upon:

- 1) Stipulation and Operating Plan Compliance;
- 2) Protection of Resource Values; and
- 3) Quality and safety of services provided to the public.

Performance levels are:

A= Acceptable: Permittee is in compliance with permit stipulations; has taken prompt steps to rectify any performance issues and complaints; does not repeatedly violate conditions, or show a disregard for stipulations.

P= Probationary: Where there has been repeated violations or a disregard for permit stipulations, the permittee will be placed in probationary status.

U= Unacceptable: Permittee willfully and/or repeatedly violated permit conditions to provide substandard service to the public. Conduct is lacking in reasonableness or responsibility to the point that it becomes reckless or negligent.

Violations and Penalties:

A= Complaints and issues may be discussed over the phone or in writing. When due dates or completion dates are established, the permittee will be afforded a 15 day grace period, unless otherwise specified.

P= A notice on Noncompliance (Notice) will be issued by the Authorized Officer specifying in what respect the permittee has failed to comply, the terms of the probationary status, and the consequences of further noncompliance.

U= Permit privileges would be revoked for one to three years.

A notice of Noncompliance and Decision to Terminate permit privileges would be issued by the Authorized Officer. The permittee would be allowed the opportunity to appeal the decision under Title 43 CFR, Part 4.

Critical Standards - a breach of critical standards can lead directly to administrative penalties, suspension or revocation of a permit. Critical standards are necessary for the health and welfare of the public and protection of resources.

The permit shall be suspended or revoked if required State or local licenses pertaining to public health and safety are revoked.

Violation of mandatory Federal or State safety requirements will result in probationary status or loss of permit privileges.

The conviction of a violation of any Federal or State law or regulation concerning the conservation or protection of natural resources, the environment, endangered species or antiquities that is related to permit operations will result in probationary status or loss of permit privileges.

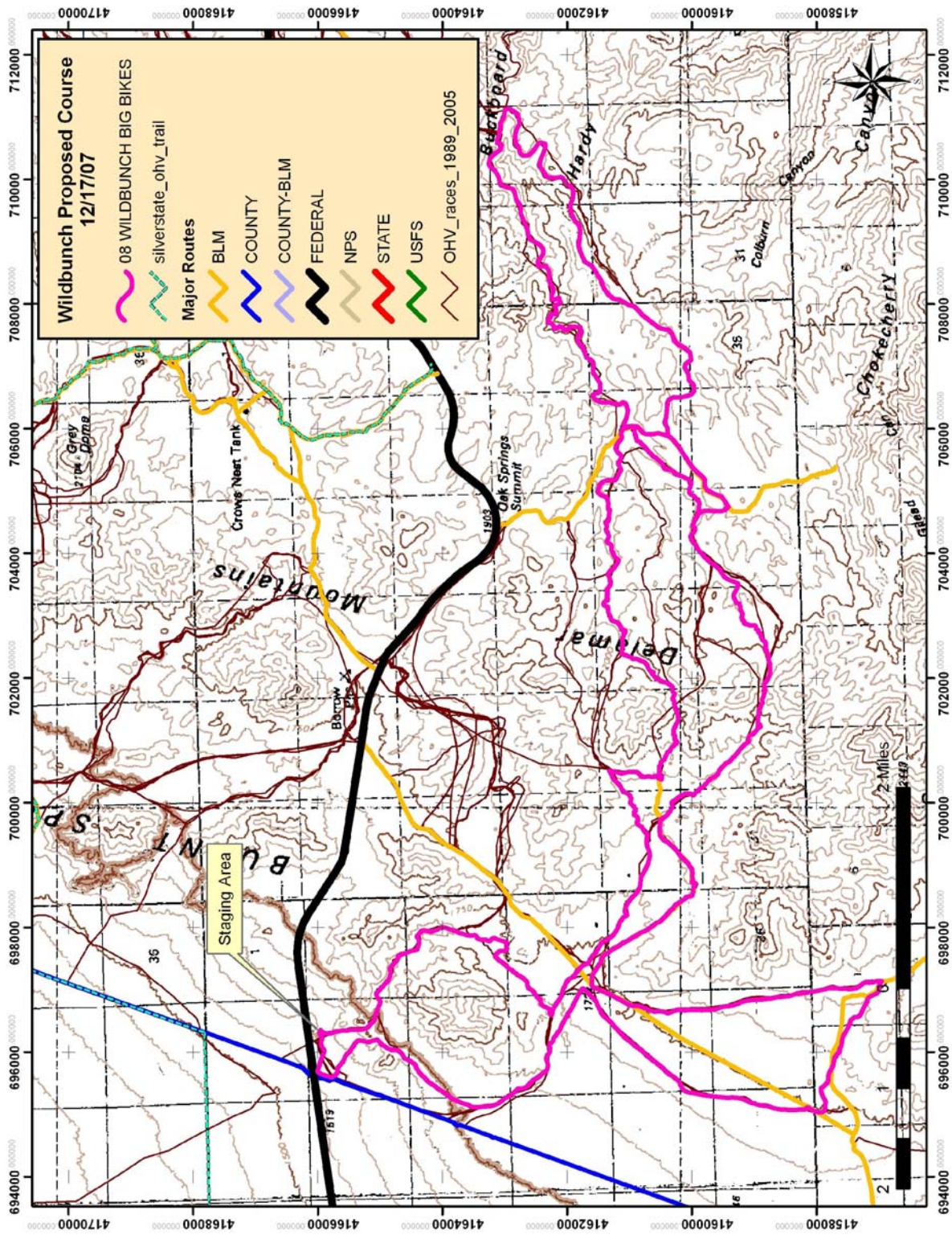
I HAVE READ, UNDERSTAND AND AGREE TO ABIDE BY THESE PERMIT CONDITIONS AND SPECIAL STIPULATIONS. I HAVE THE AUTHORITY TO OBLIGATE THIS ORGANIZATION TO THE ABOVE REQUIREMENTS.

SIGNATURE

DATE

Initial

Date



Initial

Date